

## **REMARKS/ARGUMENTS**

### **1. Summary of the Office Action**

Claims 1-18 and 24-38 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Publication No. 2001/0018349 (hereinafter Kinnunen) in view of U.S. Patent No. 6,426,959 (hereinafter Jacobson).

Claims 19-23 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Publication No. 2001/0018349 (hereinafter Kinnunen) in view of U.S. Patent No. 6,426,959 (hereinafter Jacobson).

### **2. Response to 35 U.S.C. § 103 Rejections**

Reconsideration of this application, as amended, is respectfully requested. Claims 1 and 24 have been amended to clarify that the interface software contains instructions specific to the new network device for executing the API calls. No new matter is introduced by these clarifying amendments, which were made solely to better illustrate the points discussed below. Claims 11-15 and 34-38 have been canceled without prejudice.

The pending claims have been rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Kinnunen in view of Jacobson. As discussed below, however, the references fail to teach or even suggest all the features of the present claims. Therefore, the present claims are patentable over these references.

To establish a prima facie case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references, when combined, must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on the applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The present claims are patentable over Kinnunen in view of Jacobson as none of the cited references teaches or suggests the presently claimed features of “responsive to the human operator selecting an option available on the graphical user interface, issuing a series of one or more generic Application Program Interface (API) calls representative of the option to the new network device wherein said API calls cause execution of interface software preloaded on the new network device, the interface software contains instructions specific to the new network device for implementing the API calls; and executing the interface software preloaded on the new device to perform device specific equivalents to the series of one or more generic API calls” (Claim 1)

Kinnunen presents a system for providing location dependent services to a plurality of mobile terminals within a coverage area. The system receives ‘from a plurality of sources, location information indicating the locations of mobile terminals and tracks them so that their presence in particular service deployment areas can be determined. The services receive meta-information classifying the location information and use this meta-information to determine whether the source of the location information is reliable enough for the service to be provided. If it is reliable enough, the service is provided to the mobile terminal” (Abstract). However, as the Office Action concedes, Kinnunen is silent to the presently claimed features as specified above. Indeed, Kinnunen is only concerned with identifying the location of mobile terminals so as to match the terminals with the service providers within the coverage area. This is fundamentally different from the present claims which include discovering and configuring a new network device through API calls. There is no motivation or need for Kinnunen to teach the presently claimed features as Kinnunen is not at all concerned with network devices. Therefore, the present claims are not anticipated by Kinnunen.

Even the additional teachings of Jacobson fail to cure the deficiencies of Kinnunen. Jacobson presents a system for controlling a network of communication terminals with a management component (MC) and an implementation component (IC). The Office Action relies on Jacobson, Col.4, lines 1-15, Col.6, lines 55-65 to teach that the IC is able to translate generic allocation commands from management component into device specific commands for different type of vendor system. In particular, the “IC is a semi-autonomous, e.g., it can *translate allocation commands from a management component into executable commands* for its associated network elements without having direct, full-time conduct with the network

management component. The IC may store pre-programmed parameters, transmission plans, or collect commands for automatic execution. The IC may *map network programming language command set or generic allocation command to a vendor specific command sequence.*"

(Jacobson, Col.4, lines 1-9; emphasis added). Stated differently, Jacobson teaches that it is the IC that provides executable commands or vendor specific commands to the network elements. This is significantly different from the present claim where *generic* API calls are issued to the new network device, thereby causing the execution of interface software which is preloaded on the network device, the interface software containing instructions specific to the new network device for implementing the API calls. Indeed, Jacobson does not teach that the IC provides generic commands to the network elements nor that the network elements are preloaded with software which is executed in response to receiving the generic commands. Clearly, Jacobson fails to cure the deficiencies of Kinnunen. Therefore, the present claims are patentable over the cited references.

### 3. Conclusion

Having tendered the above remarks and amended the claims as indicated herein, the Applicant respectfully submits that all rejections have been addressed and that the claims are now in a condition for allowance, which is earnestly solicited.

If there are any additional charges, please charge Deposit Account No. 02-2666. If a telephone interview would in any way expedite the prosecution of the present application, the Examiner is invited to contact Jaina Chua at (408) 947-8200.

Respectfully submitted,

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